

That decision remains the law today. Even the Warren Court has not reversed the McCordle case.

Also uniformly upheld is the power of Congress to control the jurisdiction of the lower Federal courts. The classic case in this instance was *Cary v. Curtis*, 3 How. 236 (1845), upholding a statute conferring final authority on the Secretary of the Treasury in tax disputes. Numerous other decisions have sustained restrictions and exceptions to Federal court jurisdiction.

I urge the House of Representatives to give prompt consideration to my proposal. If our distinctive way of life which all patriotic Americans love and cherish is to survive, an end must be made forthwith to the Federal incursions into the rights of the States and localities.

Congress has the right and the duty to stop the judicial indiscretions and abuses of the Federal judiciary. I hope and trust it will exercise the powers which clearly and exclusively belong to the Congress and thus free the people of America from the mailed fist of this judicial oligarchy.

In the Virginia Bill of Rights, that great bulwark of liberty penned by the celebrated George Mason, it is stated in substance that all power is vested in the people and consequently derived from the people, that magistrates are their trustees and servants and at all times amenable to them.

Let me in conclusion also state to my colleagues that, in that same matchless instrumentality of freedom, it is stated:

No free government, or the blessings of liberty can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Mr. WAGGONER. Mr. Speaker, will the gentleman yield?

Mr. TUCK. I yield to the gentleman from Louisiana.

Mr. WAGGONER. I wish to say to the gentleman from Virginia that I agree whole heartedly with what he has had to say today with respect to the problem of apportionment and reapportionment of State legislatures. I am today joining him in introducing a similar amendment to the Constitution.

Mr. TUCK. I extend my thanks to the distinguished gentleman from Louisiana.

#### AN INDIANA DEEPWATER PORT

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, yesterday I introduced H.R. 50, a bill to authorize Federal participation in the construction of a deepwater port on the Indiana shoreline of Lake Michigan. President Johnson in his state of the Union message spoke of a restless people. This describes the Midwest and particularly the great State of Indiana and its people. This restlessness is expressed in our desire to grow. We want to take advantage of our opportunities. We want to progress economically. We want trade and the contact which accom-

panies trade with the great economic centers of Europe. We want to see modern technology spawn and grow in our State. We want to provide a proper industrial climate for a restless industrial complex. Our proposed port will be a start in the realization of plans which have been a long time in the making. This is a project which will not only serve Indiana and the Midwest but it is one which will serve—and serve well—the national interest. The flow of trade between countries will be encouraged. It will make possible the finding of new markets because lower shipping costs will make us more competitive. Farming, manufacturing, and mining will be stimulated. To pass this bill will be a mark of progress.

#### A PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR THE EFFECTIVE DETERMINATION OF PRESIDENTIAL INABILITY AND SUCCESSION

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I have today introduced a resolution proposing an amendment to the Constitution providing for the effective determination of Presidential inability and succession.

One of the many challenging issues which face the Nation today is that of Presidential inability and succession. The President, last evening, in his state of the Union message, called attention to the problems and the need for congressional action.

The United States is the leader, and sometimes the protector, of the free world. Through foreign involvements and domestic pressures, the task of leading the country is becoming increasingly more time consuming and burdensome. We have come to demand that these men devote more of their waking hours to the task of leadership.

There was a day, perhaps, in the history of the United States when presidential inability was not so alarming and did not present the urgency that it now does. President Garfield in 1881 lay wounded 80 days; President Wilson was, in part, incapacitated for a substantial part of his second term in office.

The Constitution of the United States provides in detail the procedures for removing a President from office. But, aside from indicating that Congress shall provide for the succession to the Presidency, there is no specification as to how the disability of a President shall be determined.

Informal arrangements can be worked out as they were between Presidents Eisenhower and Kennedy with their Vice Presidents. Yet, these do not have the force of law, may be subject to constitutional challenge, and fail to generate that degree of trust in the electorate in case the need arises for a Vice President to assume the office of Acting President.

For these reasons, I have proposed a constitutional amendment to remedy such lack of authority.

The proposed amendment provides that the President may, in his own behalf, issue a declaration announcing his disability. If he should fail to do so, or in the case where he is too ill to do so, then, the Vice President may do so if he has the concurrence of a majority of the Cabinet.

There is a belief among many persons that, in the instance where the President fails to act, some other body than the Vice President and the Cabinet should be designated to make the choice. Some question the disinterest of the Vice President, and the trust that the people may place in nonelected members of the Cabinet. Others believe that, for political and personal reasons, the Vice President and the Cabinet, having been selected by the President, may feel reluctant to act. In place, thereof, the suggestion has been made that a commission be created which might be composed of Supreme Court Justices, elected leaders of Congress and members of the Cabinet.

I believe that the Vice President must, of necessity, be granted a primary responsibility in such matters. I also believe that members of the Cabinet, because of their intimate contact with the President, must be made to share in this responsibility and duty. I further believe that such men are dedicated to the country's welfare and will act accordingly.

In order to provide a certain amount of leeway, however, I provide in the amendment that Congress shall have the authority, if it so chooses, to designate some other body than the Cabinet to pass upon a Vice President's declaration of the President's inability.

The proposed amendment also provides that after a declaration of the President's disability, through whatever means, and the assumption of the Office of Acting President by the Vice President, the President may resume the powers and duties of his office by issuing a declaration that his disability has terminated.

If it is believed, however, that the President's disability continues, the amendment provides that the Vice President, with the concurrence of a majority of the Cabinet, or some other body designated by the Congress, shall within 2 days declare in writing that such disability continued. Thereafter, Congress has 8 additional days to determine whether the President's disability does, in fact, continue. If Congress fails to act within that period or if it does not make a determination of continuing disability by a two-thirds vote, the President shall resume his office. The burden, it will be seen, is placed upon the Vice President and the Cabinet to prove the continuance of the disability and not on the President, who has the primary claim to the office. The Congress is designated as the ultimate arbiter because it is believed that, as the elected representatives of the people, it shares the greatest trust of the people.

Turning to the other basic problem of maintaining Executive leadership, the proposed amendment provides that when a vacancy occurs in the Office of the Vice-

Presidency, the President shall appoint a Vice President with the advice and consent of the Congress.

Today, far more than in earlier times, the Vice President is being brought into the leadership of the Nation. He is invited to and participates in Cabinet meetings. He has been designated a statutory member of the National Security Council. He is Chairman of the President's Committee on Equal Employment Opportunity. He has been designated as the coordinator of civil rights enforcement in the executive branch of Government. He is Chairman of the National Aeronautics and Space Council. He is frequently designated as the President's representative in foreign and domestic matters. He is assigned to important troubleshooting tasks. And, perhaps most important of all, he is but one heartbeat away from becoming President. The importance of the office of Vice President means, then, that the country must always have a Vice President who is well informed and well schooled in the important issues that face the Nation.

The age we live in and the great sorrows or near sorrows that have befallen some of our Presidents in the past make it all too clear that our Nation can no longer afford the luxury of antiquated constitutional machinery which permits a vacancy in the office of Vice President or which does not provide for the contingency of presidential disability.

A copy of the resolution follows:

H. J. RES. —

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

#### ARTICLE —

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Sec. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"Sec. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Sec. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the pow-

ers and duties of his office on the second day following the transmittal of such declaration to the Congress unless, prior to his resumption of such powers and duties, the Vice President transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, in which case the Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office on the tenth day following the transmittal to the Congress of his declaration that no inability exists. Any declaration by the Vice President that the President is unable to resume the powers and duties or his office may be transmitted to the Congress only with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide."

#### RELEASE OF ZINC FROM NATIONAL STOCKPILE

(Mr. ASHLEY (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, I am introducing today a bill to effect an emergency release of 150,000 tons of zinc from the national stockpile, with a waiver of the statutory 6 months notice, to ease the continuing critical shortage of zinc required for producing diecastings and galvanized steel needed by the automotive appliance, builders hardware, office equipment, and other domestic industries.

Zinc supply available to industry is in crucial shortage. Domestic mining has been increased and further increases are in progress but domestic metal production—dependent on both domestic and imported ore supplies—is unable to meet demand and producers inventories have been depleted. Imports of ore and metal are restricted by quota and, in fact, the world zinc supply is short of current demand.

In 1964, after authorization by the Congress, 75,000 tons of zinc, from the national stockpile, was disposed of through the General Services Administration in an orderly manner without disrupting normal commercial relationships—a testament to the cooperative efforts of Government, industry, and zinc producers. The present disposal authorization is jointly and urgently advocated as being of paramount necessity by the industries affected. The Government's response to this appeal will serve our national interest.

Diecasting and galvanizing plants are working on a day-to-day basis and some minor cutbacks in operations have occurred. The present possibility of major shutdowns is a real and imminent threat to our national economy. The delivery of zinc die-cast parts and galvanized steel sheet to the automotive, appliance, builders hardware and other key domestic industries is currently in danger of interruption with consequent and severe damage to the Nation.

Long-range injury to the zinc mining

and producing industries is also involved since the inability of diecasters to meet existing industrial requirements is resulting in design changes away from zinc. Substitution of plastics and other materials can lead to serious consequences for our zinc industry.

The only available supply of zinc in the free world is the 1,500,000 tons in the national stockpile—all of which is in excess of the current stockpile objective of zero. The assistance of the Government to the oft beleaguered zinc industry would be clear evidence of continued and positive interest. Such a move will reassure users of diecastings and other zinc products that justifiable Government remedy is available.

The proposed release will avert layoffs of workers in the affected industries and avoid the shutting down of diecasting and galvanizing plants as well as avoiding the possibility of interruption of production in the automotive and other important industrial manufacturing segments of our economy.

Therefore, Mr. Speaker, I ask for favorable and prompt action on the legislation I have proposed.

#### THE AGE OF REVOLUTION

(Mr. GONZALEZ (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, revolutions in the name of the people's right to govern themselves, and against tyranny and every form of racism, have been occurring on almost every continent and shaking this earth rather concussively for the past several decades. New nations are being born and it is a pardonable characteristic of the young to believe, in their new found freedom and their exuberance, that theirs is the first, the true, and the only real rebellion.

It is understandable, therefore, that in many of the emerging states of the world there is not yet an adequate or a full understanding of the American Revolution and of the series of events, including some quite recent ones, that it triggered off. Even our own citizens sometimes forget the violence that attended our origins and its causes. So it is excusable when those in other countries overlook or do not grasp the fact that the first successful anticolonial revolution in modern times was the American Revolution. And perhaps they do not even know of the milestone represented by passage of the 13th amendment to the Constitution, abolishing slavery and marking another stage and a step forward in our revolution.

The worldwide revolution for freedom began 200 years ago, in 1765, in America with the violent controversy over the Stamp Act and the Stamp Act Congress. One hundred years later, in 1865, the 13th amendment was passed. It is well at this time, while the forgetful and the ignorant make intemperate attacks and charges against the United States, to remember and commemorate the bicentenary of the first revolt against im-